



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Burt, et al.

Serial No.: 09/199,933

Filed: November 25, 1998

Title: SEAWALL PANEL

Atty. reference: 1002-124

Assistant Commissioner for Patents  
BOX MISSING PARTS  
Washington, D.C. 20231

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#4

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8 (A)

Date of Deposit: April 2, 1999

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to Assistant Commissioner for Patents, BOX MISSING PARTS, Washington, D.C. 20231.

Lori A. Slawinski  
Lori A. Slawinski

Dear Sir:

**PETITION FOR FILING BY OTHER THAN ALL THE INVENTORS**  
**UNDER 37 CFR 1.47(a)**

Applicant, Kevin T. Burt, hereby petitions the Commissioner to accept the filing of the above-identified U.S. Patent Application by other than all of the inventors.

An Affidavit is attached hereto providing proof of the pertinent facts concerning the refusal of the co-inventor to join in the present application for patent.

The name and last known address of the co-inventor refusing to join in this application is as follows:

Miguel Terc  
1266 W. Paces Ferry Rd.  
Suite 134  
Atlanta, Georgia 30327

The invention, which is the subject of the present patent application, was developed as a result of a Purchase Agreement executed between Crane Plastics Company and Synthetic Design Systems, LLC.

The two inventors, Kevin T. Burt of Crane Plastics Company and Miguel Terc of Synthetic Design Systems, LLC, worked jointly to develop the technology which became the subject of the present application.

It wasn't until after the application was filed that it became apparent that inventor Terc did not intend to co-operate with the filing of the present application.

We filed the present application without formal papers in order to obtain the earliest possible filing date. Neither inventor was immediately available on the date of filing to sign the formal documents.

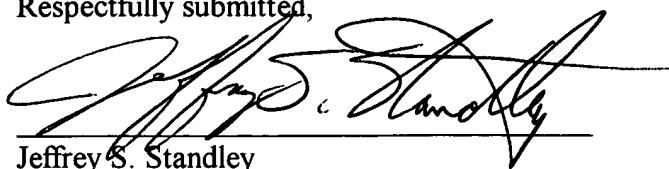
At the time of receipt of the Notice of Missing Parts, a letter was sent from our office to inventor Terc requesting his signature on the inventor's declaration/power of attorney. Mr. Terc informed our office in a telephonic communication on or about March 1, 1999 that he did not intend to sign the declaration/power of attorney.

In view of the refusal of co-inventor Terc to execute the papers required to satisfy the Notice of Missing Parts to complete the filing of the present patent application, Kevin T. Burt is believed to be entitled to make such application.

The required fee pursuant to 37 CFR 1.17(h) is enclosed.

Respectfully submitted,

By:

  
Jeffrey S. Standley

Reg. No. 34,021

Standley & Gilcrest

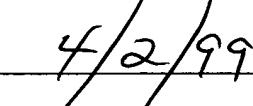
495 Metro Place South, Suite 210

Dublin, Ohio 43017

Telephone: (614) 792-5555

Facsimile: (614) 792-5536

Date:

  
4/2/99

#48

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



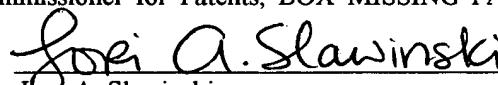
Applicants: Burt, et al. :  
Serial No.: 09/199,933 :  
Filed: November 25, 1998 :  
Title: SEAWALL PANEL :  
Atty. reference: 1002-124

Assistant Commissioner for Patents  
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Lori A. Slawinski

Dear Sir:

**AFFIDAVIT OF KEVIN T. BURT**

STATE OF OHIO :  
: SS:  
COUNTY OF FRANKLIN :

Kevin T. Burt, being duly sworn, and having personal knowledge of the facts set forth herein, hereby deposes and says that:

1. I am one of the inventors of the invention disclosed and claimed in U.S. Patent Application Serial No. 09/199,933 entitled SEAWALL PANEL filed November 25, 1998 (hereinafter referred to as the "Patent Application").

2. I am employed as SALES DESIGN ENGR. with Crane Plastics Company of Columbus, Ohio.

3. I know Miguel Terc was recently a paid consultant to Crane Plastics Company and a former principal with Synthetic Design Systems, LLC in Atlanta, Georgia.

4. Crane Plastics Company and Synthetic Design Systems entered into a Purchase Agreement which lead to the development of certain technology which became the subject of the above-identified patent application. This patent application was filed at Crane Plastics Company's request.

5. In connection with the Purchase Agreement between Crane Plastics Company and Synthetic Design Systems, Mr. Terc and myself jointly developed this technology which is the subject of the above-identified patent application.

6. On November 25, 1998, the above-identified patent application was filed without formal documents in order to obtain the earliest possible filing date. Neither Mr. Terc nor I were immediately available to sign the formal documents.

7. On January 11, 1999, our patent attorney received a Notice of Missing Parts requesting the submission of an executed Inventor's Declaration/Power of Attorney.

8. On February 8, 1999, a letter was sent to Crane Plastics Company enclosing the Inventor's Declaration/Power of Attorney for my signature. I signed the document on February 11, 1999 and returned the original to my patent attorney.

9. On February 18, 1999, a letter was sent to Mr. Terc enclosing the Inventor's Declaration/Power of Attorney for his signature.

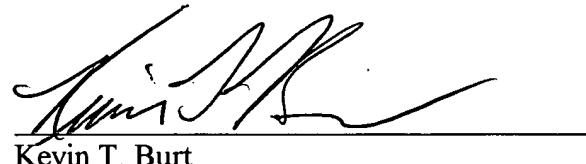
10. On or about March 1, 1999, our patent attorney informed me that he received a communication from Mr. Terc. Mr. Terc indicated that he did not intend to cooperate in the prosecution of this application.

11. I interpret the conduct of Mr. Terc to be a clear indication that he refuses to receive or even consider any patent application papers, which are offered for him to execute.

12. Exhibits A and B attached hereto comprise true and accurate copies of the letters referred to in Nos. 8 and 9 above.

13. Crane Plastics Company is in the process of manufacturing the product disclosed and claimed in the above-identified patent application, and it is therefore necessary to satisfy the outstanding Missing Parts in order to protect Crane Plastics Company's legitimate rights in the United States and in foreign countries and to prevent irreparable damage to Crane Plastics Company.

Further affiant sayeth naught.



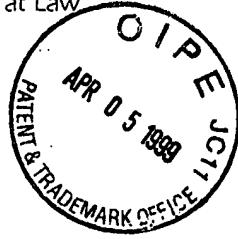
\_\_\_\_\_  
Kevin T. Burt

Sworn to before me this 30th day of March, 1999.



\_\_\_\_\_  
Kimberly A. Tracey  
Notary Public

KIMBERLY A. TRACEY  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 4-24-2001



495 Metro Place South

Suite 210

Dublin, Ohio 43017

Telephone (614) 792-5555

Fax (614) 792-5536

February 8, 1999

Timothy T. Miller, Esq.  
Crane Plastics Company  
2141 Fairwood Avenue  
P.O. Box 1047  
Columbus, Ohio 43216

RE: U.S. Patent Application Serial No. 09/199,933  
Entitled: SEAWALL PANEL  
Filed: November 25, 1998  
Inventors: Kevin T. Burt and Miguel Terc  
Our reference: 1002-124

Dear Tim:

In furtherance to our telephone conversation of today, please find enclosed the Inventor's Declaration/Power of Attorney and Assignment for the above-identified patent application.

We have now been requested by the U.S. Patent and Trademark Office to submit these documents. We are enclosing both of these documents and would appreciate your assistance in obtaining the Kevin Burt's signature on both. Please note that the assignment requires notarization.

The originals can be returned to our office. We will then forward them to Miguel Terc at his last known address for his signature.

If you have any questions regarding this matter, please contact us.

Very truly yours,

Lori A. Slawinski  
Paralegal

Enclosures

cc: Jeffrey S. Standley, Esq.

# STANDLEY & GILCREST

Attorneys and Counselors at Law

495 Metro Place South

Suite 210

Dublin, Ohio 43017

Telephone (614) 792-5555

Fax (614) 792-5536

February 18, 1999

## VIA AIRBORNE EXPRESS

Mr. Miguel Terc  
1266 W. Paces Ferry Rd.  
Suite 134  
Atlanta, Georgia 30327

RE: U.S. Patent Application Serial No. 09/199,933  
Inventors: Burt, et al.  
Entitled: SEAWALL PANEL  
Filed: November 25, 1998  
Attorney Docket No.: 1002-124

Dear Mr. Terc:

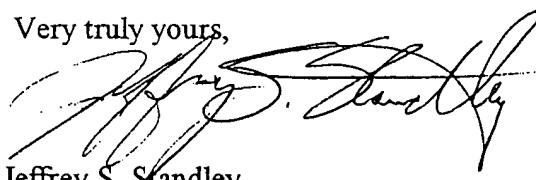
I am enclosing a copy of the above-identified patent application for your records. This application was filed in accordance with the Purchase Agreement between Crane Plastics and yourself. We have received confirmation from the U.S. Patent Office that this application has been assigned Serial No. 09/199,933.

The Patent Office has now issued a Notification requesting the filing of the Inventor's Declaration/Power of Attorney. I am enclosing this document herewith. As you can see, Mr. Burt has already executed this document.

Please sign and date the Inventor's Declaration/Power of Attorney where I have indicated and return the original to my office. I am including a self-addressed, stamped envelope for your convenience.

If you should have any questions regarding this matter, please contact me.

Very truly yours,



Jeffrey S. Standley

JSS:las

Enclosure

cc: Timothy T. Miller, Esq.

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Patents • Trademarks • Copyrights • Trade Secrets • Unfair Competition • Computer Law

EXHIBIT

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